

## **Opening Statement**

**Senator Susan M. Collins  
Chairman, Homeland Security and  
Governmental Affairs Committee**

**“Hurricane Katrina: Who’s In Charge of the New Orleans Levees?”**

**December 15, 2005**

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**Today the Committee continues its investigation into the preparation for and response to Hurricane Katrina.**

**The focus of our ninth Katrina hearing is on the key government agencies at the local, state, and federal levels responsible for operating and maintaining the levees that were supposed to protect New Orleans.**

**While the levees were absolutely critical to the survival of the city, our November 2<sup>nd</sup> hearing demonstrated that this last line of defense was fatally flawed in design, construction, or maintenance.**

**The witnesses testified that these flaws resulted in the levees not merely being overtopped, but actually crumbling before the onslaught of the storm.**

**The people of New Orleans and surrounding parishes depended on the levees to protect them. It now appears their faith had little foundation. Even though the hurricane caused extensive damage, it was the flooding from the levee breaches that actually destroyed the City of New Orleans.**

**Our purpose today is to follow up on that hearing by examining which agencies were responsible for operating, maintaining, and inspecting the levees; for preparing for emergencies; and for responding to problems ranging from gradual erosion to sudden collapses.**

**The Army Corps of Engineers, the Orleans Levee District, and the Louisiana Department of Transportation and Development are the key players. But they each played their parts in a system fragmented by overlapping obligations and inexplicable past practices.**

**On the screen at the side of the room, the principal legal obligations of each are set out.**

**Once the levees were constructed, the Army Corps of Engineers is expected to:**

- **turn over completed sections to the Orleans Levee District;**
- **perform an annual inspection with the District; and**
- **review the semi-annual reports filed by the District.**

**The Orleans Levee District is charged by law with:**

- **operating and maintaining the levees;**
- **conducting a quarterly inspection of the levees at least once every 90 days; and**
- **filing a semi-annual report with the Army Corps.**

**The Louisiana Department of Transportation is obligated by state law to:**

- **approve of the soundness of the engineering practice and the feasibility of the plans and specifications submitted by the Orleans Levee District;**
- **conduct training of the District's commissioners; and**
- **review the District's emergency plans.**

**All had responsibility for preparing for and responding to emergencies. In addition to the Corps' responsibilities under the Flood Control Act, the National Response Plan designates the Corps**

**as the primary agency responsible for public works. Likewise, the Louisiana Department of Transportation is tasked with the public works emergency functions under Louisiana's Emergency Operations Plan. In addition to owning the levees, the Orleans Levee District is given a supporting role for public works by Louisiana's Emergency Operations Plan.**

**Today, the Committee will hear from witnesses from all three agencies as we examine how those various responsibilities were actually carried out. The laws called for one thing. Today we will hear about the reality, about the confusion on issues as fundamental as control, the misunderstandings, and what appear to be outright abdications of responsibility.**

**To begin, there has been confusion about the basic question of who is in charge of the levees. Key officials at the Army Corps and the Orleans Levee District have demonstrated this confusion by**

**telling Committee staff one thing during interviews and then another later.**

**But that confusion is difficult to understand. There are at least 18 letters from the Army Corps of Engineers turning over various sections of the Lake Pontchartrain and Vicinity Hurricane Protection Project to the Orleans Levee District. In one such letter, dated June 15, 2000, the Army Corps informed the Orleans Levee District that the final inspection had been completed on a section of the levees and that the Orleans Levee District was responsible for the operation and maintenance of the completed section. The letter goes on to explain that maintenance means keeping all completed works in first-class condition.**

**Responsibility for emergency management was also unclear. For example, when asked about the Louisiana Department of Transportation's levee and flood control repair responsibilities**

**articulated explicitly in the State’s Emergency Operations Plan, the Assistant Secretary for the Louisiana Department of Transportation stated: “I’m not sure what that means, because we don’t have any state flood control works. [The] State doesn’t own any flood control works.”**

**The uncertainty about control, combined with overlapping responsibility for emergency management, affected the repair efforts at one of the breach sites after Hurricane Katrina. In a staff interview, the Commander of the New Orleans District of the Army Corps of Engineers described the confusion: “Who is in charge? Where’s the Parish President? Where is the Mayor? And then the State?... Who is in charge?....”**

**In addition to this confusion about control and emergency management, there are also cases in which the letter of the law may have been observed, but its spirit was mocked. For example,**

**Louisiana State law requires educational training for levee board commissioners. However, the former President of the Board candidly described the training sessions as follows: “[O]nce in four years, you know what that is? That’s going up to a workshop for a weekend and have a crawfish boil up here and hear a couple people talk about some things and they get a little piece of paper and they honored the law....”**

**He also described the annual inspections of the levees conducted by the Army Corps, the Louisiana Department of Transportation, and the Orleans Levee District as largely ceremonial events: “They...normally meet and get some beignets and coffee in the morning and get[] to the buses, and the colonel and the brass is all dressed up. You have commissioners. They have some news cameras following you around.... And you have your little beignets, and then...you have a nice lunch somewhere or whatever.**

**They have this stop-off thing or whatever. And that's what the inspections are about."**

**Finally, although the title of the Orleans Levee District implies that the District's primary function is to operate, maintain, and inspect the levees, the minutes of meetings of the District's board of commissioners show that the majority of the board's meetings was actually devoted to its other activities. For example, the District owns commercial property that it leases to various restaurants, karate clubs, and beautician schools. It also owns two marinas and an airport, and it licenses a floating casino. Collectively, these enterprises consumed the majority of the board's deliberating time in recent years.**

**The tragedy that unfolded last August to one of America's most vibrant cities was rooted in the failure of the levees. That failure in turn did not happen by chance, but as a result of**

**fundamental flaws in design, construction, or maintenance. Those flowed from basic problems with governance.**

**Superb engineers and competent contractors can solve some of these issues. But until we face up honestly to the issue of governance, we will have failed the citizens of New Orleans and the taxpayers across America. Confused, overlapping, and imprecise roles, shortcomings in training and qualifications, the focus on unrelated business activities, and complacency as to the vulnerability of the system were the human flaws Katrina exposed.**

**The future of the City of New Orleans is inextricably linked to its levee system. The Mayor, business leaders, and the federal reconstruction coordinator all have emphasized to me that the private sector will not make significant investments in the City without assurances that the levees will be rebuilt stronger and better. But that commitment to strengthening the levees must be**

**accompanied by significant reforms. The confusion and chaos that characterize the current regulatory regime can no longer be tolerated. Not only must we strengthen the levees themselves, but also we must strengthen the oversight of the entire levee system if we are truly to protect New Orleans from another catastrophic failure.**